REMARKS

Claims 11 and 29 are all the claims pending in the present application, claims 25 and 28 having been canceled as indicated herein. In summary, the Examiner adds new references in addition to the previously applied references to support the prior art rejections of the pending claims, and maintains the rejection of claim 28 under 35 U.S.C. § 101. Specifically, claim 28 is rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 11 and 29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Montero (US Patent No. 6,133,912) in view of "SQL Reference ", IBM Corp., Copyright IBM Corp. 1993, 1997 (hereinafter referred to as "IBM").[1] Claims 25 and 28 are also rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Montero and IBM as applied to claims 11 and 29, and further in view of Gupta et al. (US Patent Application Publication No. 2001/0020242).

§101 Rejection - Claim 28

Claim 28 is cancelled, as indicated herein, without prejudice or disclaimer.

§103(a) Rejections (Montero / IBM) - Claims 11 and 29

Claims 11 and 29 are rejected based on the reasons set forth on pages 3-5 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

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[1] The Examiner actually indicates at the top of page 3 of the Office Action that claims 11 and 29 are rejected over Montero in view of IBM, however it is evident in the body of the rejection that only claims 11 and 29 are rejected over these references.

A brief description of Montero is set forth in the Amendment dated February 21, 2006. The new secondary reference, "IBM," is a reference guide related to the structured query language (SQL) for databases.

With respect to independent claim 11, the Examiner previously rejected this claim only over Montero. Applicants previously argued that the Examiner has utilized impermissible hindsight reasoning in determining that the specific features set forth in claims 11 and 29 would have been obvious to one of ordinary skill in the art. Applicants submit that the specific feature of counting a number of client devices which have sent a request for transmission of information or a number of client devices to which the information sending means has sent requested information, according to the classifications of the information, is nowhere disclose or suggested in Montero. Thus, even if, *arguendo,* Montero indicates that all client interactions and requests are kept track of for the purpose of developing more precise profiles for subscribers, the specific features of claims 11 are clearly not set forth in Montero.

In response, the Examiner applies the new secondary reference "IBM," which allegedly discloses a specification of the well known SQL database, and which includes a count function which returns the number of rows or values in a set of rows or values.

Furthermore, the Examiner alleges:

> Since Montero disclosed keeping track of all requests and interactions from subscribers, and keeping this information in a database, as well as using this information to better target their audience for advertisements (Montero, col. 14, lines 1-5), it would have been obvious to one of ordinary skill in the art at the time of the invention that being able to better target their audience by using the clicked reports would require statistics of the clicked reports from the database, and would therefore require the use of standard database functions in order to determine these statistics.

> Therefore, it would have been obvious to one of ordinary skill in the art
> at the time the invention was made to incorporate the standard database
> functions of IBM Corp, for the purpose of using the database records to
> come up with statistics about subscriber usage, for the benefit of keeping
> track of subscriber usage and being able to develop a more precise
> profile for subscribers, as well as enabling advertisers to better select
> their target audience for advertisements based on their clicked report
> records in the database (Montero, col. 14, lines 1-5).

In response, Applicants submit that the count function of the IBM reference does not

satisfy the specific features set forth above. Montero only describes that advertisers are better

able to select their target audiences for the promotions advertisements and the like, however

there is no teaching or suggestion that the count function of the IBM reference, in combination

with the teachings of Montero, would satisfy the specific feature of <u>counting a number of client</u>

<u>devices which have sent request for transmission of information or a number of client device to</u>

<u>which the information sending means has sent requested information, according to classifications</u>

<u>of information.</u> The Examiner has made an unsupportable 'leap' in concluding that the

disclosures of the applied references satisfy the very specific claim features above.

Therefore, at least based on the foregoing, Applicants submit that claims 11 and 29 are

patentable distinguishable over Montero and IBM, either alone or in combination.

§103(a) Rejections (Montero / IBM / Gupta) - Claims 25 and 28

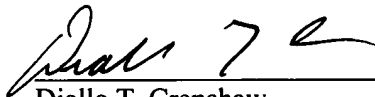Claims 25 and 28 are cancelled as indicated herein without prejudice or disclaimer.

In view of the above, reconsideration and allowance of this application are now believed to be in

order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may

be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact

the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and

the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said

Deposit Account.

Respectfully submitted,

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